

Senate File 341 - Reprinted

SENATE FILE _____
BY COMMITTEE ON LABOR AND
BUSINESS RELATIONS

(SUCCESSOR TO SSB 1157)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act concerning work-related injuries suffered and claims made
2 outside of this state.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2062SV 82
5 av/gg/14

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1 1 Section 1. Section 85.71, Code 2007, is amended to read as
1 2 follows:

1 3 85.71 INJURY OUTSIDE OF STATE.

1 4 If an employee, while working outside the territorial
1 5 limits of this state, suffers an injury on account of which
1 6 the employee, or in the event of death, the employee's
1 7 dependents, would have been entitled to the benefits provided
1 8 by this chapter had such injury occurred within this state,
1 9 such employee, or in the event of death resulting from such
1 10 injury, the employee's dependents, shall be entitled to the
1 11 benefits provided by this chapter, if at the time of such
1 12 injury any of the following is applicable:

1 13 1. ~~The employment is principally localized in this state,~~
~~1 14 that is, the employee's employer has a place of business in~~
1 15 ~~this or some other state and the employee regularly works in~~
~~1 16 this state, or if the employee's employer has a at or from~~
1 17 ~~that place of business in this state and the employee is~~
1 18 ~~domiciled in this state.~~

1 19 2. ~~The employee is working under a contract of hire made~~
~~1 20 in this state in employment not principally localized in any~~
1 21 ~~state and the employee spends a substantial part of the~~
1 22 ~~employee's working time working for the employer in this~~
1 23 ~~state.~~

1 24 3. ~~2. The employee is working under a contract of hire~~
1 25 ~~made in this state in employment principally localized in~~
1 26 ~~another state, whose workers' compensation law is not~~
1 27 ~~applicable to the employee's employer and the employee~~
1 28 ~~regularly works in this state.~~

1 29 3. ~~The employee is working under a contract of hire made~~
1 30 ~~in this state and sustains an injury for which no remedy is~~
1 31 ~~available under the workers' compensation laws of another~~
1 32 ~~state.~~

1 33 4. The employee is working under a contract of hire made
1 34 in this state for employment outside the United States.

1 35 5. The employer has a place of business in Iowa, and the
2 1 employee is working under a contract of hire which provides
2 2 that the employee's workers' compensation claims be governed
2 3 by Iowa law.

2 4 This section shall be construed to confer personal
2 5 jurisdiction over an employee or employer to whom the section
2 6 is applicable.

2 7 Sec. 2. Section 85.72, Code 2007, is amended to read as
2 8 follows:

2 9 85.72 CLAIMS FOR BENEFITS MADE OUTSIDE OF STATE ==
2 10 RESTRICTIONS == CREDIT.

2 11 1. An employee, or an employee's dependents, shall not be
2 12 entitled to benefits under this chapter if the employee or the
2 13 employee's dependents have initiated a judicial proceeding or
2 14 a contested case or other similar proceeding for the same
2 15 injury, disability, or death pursuant to the laws of another
2 16 state or country concerning workers' compensation, and the
2 17 employee or the employee's dependents receive benefits

2 18 following final resolution of the proceeding pursuant to a
2 19 settlement, judgment, or award.

2 20 2. If an employee, or an employee's dependents, initiate a
2 21 judicial proceeding or a contested case or other similar
2 22 proceeding for benefits pursuant to the laws of another state
2 23 or country concerning workers' compensation, any proceeding
2 24 initiated by an employee, or an employee's dependents, for
2 25 workers' compensation benefits under this chapter for the same
2 26 injury, disability, or death shall be stayed, without
2 27 prejudice, pending resolution of the out-of-state claim for
2 28 benefits.

2 29 3. If benefits are paid under this chapter and were
2 30 payable, at any time, for the same injury, disability, or
2 31 death pursuant to the laws of another state or country
2 32 concerning workers' compensation, the employer shall have a
2 33 credit toward the benefits payable under this chapter for any
2 34 benefits paid in another state or country. Benefits paid in

2 35 another state or country constitute weekly compensation

3 1 benefits for the purposes of sections 85.26 and 86.13.

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